

**Delaware Department of Transportation
Consultation Process for Non-metropolitan Locally Elected and Appointed Officials**

January 27, 2004

Introduction

The 1998 Federal Transportation Equity Act for the 21st Century (TEA-21) required that “non-metropolitan” locally elected and appointed officials (non-metropolitan local officials) have a stronger role in statewide long-range transportation planning and capital improvement programming. TEA-21 defines “non-metropolitan” areas as the areas outside designated metropolitan planning areas, which are defined to include urbanized areas of 50,000 residents or more. For the purpose of this document, non-metropolitan local officials are defined as elected or appointed officials of general-purpose local governments that have jurisdiction over or responsibility for transportation. TEA-21 specifically required that each state consult with its non-metropolitan local officials during the development process for the statewide long-range transportation plan and capital transportation program. The intent of this provision was to ensure that areas of states not represented by metropolitan planning organizations are given fair and equal access to the transportation planning and capital programming processes.

On February 14, 2003 the United States Department of Transportation, Federal Highway Administration published its final rule related to this requirement. This rule includes two actions required of all states. First, states with “non-metropolitan” areas must implement and document a consultation process for non-metropolitan local officials by February 24, 2004. This provision requires that the process be separate and distinct from the more generalized public involvement process used by the state. Second, states must review and solicit comments on this consultation process within two years of documenting and implementing it. This document portrays how the Delaware Department of Transportation (Department) is meeting the requirements.

In Delaware this requirement pertains only to Sussex County. New Castle County is part of a larger urbanized area that is represented by the Wilmington Area Planning Council (WILMAPCO). WILMAPCO is the designated Metropolitan Planning Organization (MPO) for the region that also includes Cecil County, Maryland. Kent County in turn, is represented by the Dover/Kent County Metropolitan Planning Organization, which includes all of the Cities of Milford and Smyrna.

Consultation Process for Non-metropolitan Locally Elected and Appointed Officials

Since 1994 the Department has involved non-metropolitan local officials in the development of its Capital Transportation Program (CTP), and has done the same for its Statewide Long Range Transportation Plan since 1995. The consultation process used for both of these products is described below.

Capital Transportation Program (CTP)

In Delaware, the programming of funds for the purpose of improving the transportation system is governed, in part, by the Council on Transportation (COT). The COT is a nine-member panel appointed by the Governor to advise on issues related to transportation and to seek public comment on and adopt the Department's six-year CTP. The COT plays a key role in the consultation process with non-metropolitan local officials in Sussex County in two very important ways.

First, in appointing and maintaining the membership of the COT, the Governor must maintain equal representation among the three counties in the State. The Governor endeavors to ensure that the interests of people living within and outside of incorporated areas in Sussex County are well represented. Second, at the end of August of each year the COT reviews the projects to be included in the draft CTP and actively seeks comments through workshops held in each county during September. COT members reach out to locally elected and appointed officials as they consider the projects included in the draft CTP. Sussex County reviews the purposed CTP and provides comments regarding proposed capital projects through this process. The County Administrator as spokesperson for Sussex County Council has historically provided the Department with their coordination list of priorities during this time.

Statewide Long Range Transportation Plan

The purpose of the Statewide Long Range Transportation Plan (Plan) is to help everyone understand what the Department is going to do to build, manage, and maintain the transportation system over a twenty year horizon. The Plan provides overarching policy guidance, and it outlines the goals, strategies, policies, and actions it is using to meet its mission and provide transportation facilities and services throughout the State. These elements of the Plan influence the work of the entire Department. They are developed in concert with the comprehensive land use plans and long range transportation plans produced by the metropolitan planning organizations, and at the county and local level. The Plan is created in close consultation, coordination and cooperation with non-metropolitan local officials. They are involved with its development and implementation of the Plan in two very important ways.

First, the Department specifically engages non-metropolitan local officials as the Plan is being developed and updated. Although the approach and levels of participation varies slightly each time the Plan is updated, at a minimum outreach efforts include the following:

- Introductory letter mailed directly to locally elected and appointed officials at the county and local levels. The purpose of these mailings is let officials know what the Department is doing, to distribute draft products for review, and to let them know when and how they can provide their comments;

Delaware Department of Transportation
Consultation Process for Non-metropolitan Locally Elected and Appointed Officials

- Interviews with and briefings for locally elected and appointed officials. This includes interviews and/or briefings with the Sussex County Administrator, the Sussex County Council, and with the managers, mayors and councils of local governments throughout the County. The purpose of these interviews and briefings is to solicit comments on the current Plan and how it should be updated to reflect new or changing needs within the county or a particular municipality; and,
- Extensive mailings to other agencies and organizations. These include social service agencies, public libraries, associations of towns (e.g., the Sussex County Association of Towns and the Association of Coastal Towns), and other agencies and organizations engaged with local government officials in the decision making process.

Second, the Department maintains a county-based transportation plan for Sussex County. There is no federal or state mandate to maintain a long-range transportation plan for Sussex County, but the Department does so as a means of providing the County with the same level of long range transportation planning afforded Kent and New Castle Counties through their respective metropolitan planning organizations. While the Statewide Long Range Transportation Plan provides overarching policy guidance, the Sussex County Long Range Transportation Plan provides more project specific details.

Although the Department provides the resources and manages the effort to update and produce the Sussex County Long Range Transportation Plan, the Plan belongs to the County. As such it was originally produced and is updated under the direction of a Public Advisory Committee (PAC). The PAC is comprised of locally elected and appointed officials, and members of the public and other agencies and organizations involved with the decision making process.

Maintaining a separate long-range transportation plan for Sussex County is an important means of ensuring effective consultation with the non-metropolitan local officials in Sussex County. Locally elected and appointed officials that are responsible for making land-use decisions are involved in its development, so the Plan serves to strengthen the tie between the county comprehensive land use plan and the Statewide Long Range Transportation Plan, and for all the other facilities and services that the Department develops within the County.

Next Steps

The Department is committed to meeting the provisions of the final rule and to improving, where possible, the methods and means we use to consult with non-metropolitan local officials. First, the Department is posting this process on its website. This will help meet the provision of the final rule in terms of documenting and having its process known. Second, within two years of the date of this paper, the Department will distribute this process to non-metropolitan local officials asking for their comments on what elements of the process they see working well and what elements need improvement. Although the Department is considering making revisions to its more generalized public involvement process and could undertake a revision to both simultaneously, the consultation process for non-metropolitan locally elected and appointed officials documented herein will remain separate and distinct

Contact Information

Anyone with any questions, comments or suggestions regarding the Consultation Process for Non-metropolitan Locally Elected and Appointed Officials is encouraged to contact:

Joseph Cantalupo, Assistant Director of Planning
Statewide and Regional Planning
Delaware Department of Transportation
P.O. Box 778
Dover, DE 19903

(302) 760-2121 (telephone)
(302) 739-2251 (fax)
jcantalupo@mail.dot.state.de.us